

**BEFORE THE
PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

)

)

)

DAVID AUGUSTINE LAGUE, P.A.)

Case No. 950-2017-001310

)

Physician Assistant)

License No. PA 16903)

)

Respondent)

)

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Physician Assistant Board, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 30, 2020.

IT IS SO ORDERED September 23, 2020.

PHYSICIAN ASSISTANT BOARD

By: _____



**Rozana Khan
Interim Executive Officer**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 950-2017-001310

13 **DAVID AUGUSTINE LAGUE, P.A.**

14 **1317 Palm Ave.**
15 **San Mateo, CA 94402**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 **Physician Assistant License No. 16903**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:
20

21 **PARTIES**

22 1. Maureen L. Forsyth (Complainant) is the Executive Officer of the Physician Assistant
23 Board (Board). She brought this action solely in her official capacity and is represented in this
24 matter by Xavier Becerra, Attorney General of the State of California, by Lawrence Mercer,
25 Deputy Attorney General.

26 2. David Augustine Lague, P.A. (Respondent), being fully aware of his right to be
27 represented by counsel at his own expense, represents himself in this matter.
28

3. On or about July 3, 2003, the Board issued Physician Assistant License No. 16903 to David Augustine Lague, P.A. (Respondent). The Physician Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 950-2017-001310 but expired on June 30, 2019, and is in delinquent status. On August 21, 2018, an Administrative Law Judge issued an Interim Suspension Order prohibiting Respondent from practicing as a Physician Assistant and said Order will remain in force until the Board has issued a final Decision on the Accusation against Respondent.

JURISDICTION

4. Accusation No. 950-2017-001310 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 30, 2018. A copy of Accusation No. 950-2017-001310 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in Accusation No. 950-2017-001310. Respondent also has carefully read and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of the allegations in the Second Cause for Discipline in
3 Accusation No. 950-2017-001310, agrees that cause exists for discipline and hereby surrenders
4 his Physician Assistant License No. 16903 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Physician Assistant License without further process.

7 RESERVATION

8 10. The admissions made by Respondent herein are only for the purposes of this
9 proceeding, or any other proceedings in which the Physician Assistant Board or other
10 professional licensing agency is involved, and shall not be admissible in any other criminal or
11 civil proceeding.

12 CONTINGENCY

13 11. This stipulation shall be subject to approval by the Board. Respondent understands
14 and agrees that counsel for Complainant and the staff of the Board may communicate directly
15 with the Board regarding this stipulation and surrender, without notice to or participation by
16 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
17 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
18 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
19 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
20 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
21 be disqualified from further action by having considered this matter.

22 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Surrender of License and Order, including Portable Document Format
24 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

25 13. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following Order:
27
28

ORDER

IT IS HEREBY ORDERED that Physician Assistant License No. 16903, issued to Respondent David Augustine Lague, P.A., is surrendered and accepted by the Physician Assistant Board.

1. The surrender of Respondent's Physician Assistant License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Physician Assistant Board.

2. Respondent shall lose all rights and privileges as a Physician Assistant in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 950-2017-001310 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,912.00 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 950-2017-001310 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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DATED:

DAVID AUGUSTINE

DAVID AUGUSTINE LAGUE, P.A.
Respondent

ENDORSEMENT

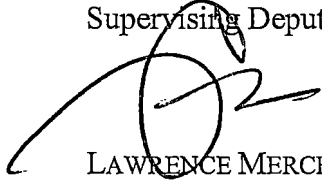
The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Physician Assistant Board of the Department of Consumer Affairs.

Dated:

9/9/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General


LAWRENCE MERCER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 950-2017-001310

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Attorneys for Complainant

BEFORE THE
PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DAVID AUGUSTINE LAGUE, P.A.
1317 Palm Ave.
San Mateo, CA 94402

Case No. 950-2017-001310

Physician Assistant License No. 16903,

Respondent.

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Maureen L. Forsyth (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs.
2. On or about July 3, 2003, the Physician Assistant Board issued Physician Assistant License Number 16903 to David Augustine Lague, P.A. (Respondent). The Physician Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2019, unless renewed. On August 21, 2018, the Board issued an Interim Suspension Order suspending Respondent's Physician Assistant License.

JURISDICTION

3. This Accusation is brought before the Physician Assistant Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3527 of the Code states, in pertinent part:

“(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.

“. . . (f) The board may order the licensee to pay the costs of monitoring the probationary conditions imposed on the license.

“(g) The expiration, cancellation, forfeiture, or suspension of a physician assistant license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.”

5. Section 2234 of the Code states, in pertinent part:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“. . . (e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.”

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1 6. Section 2238 of the Code states:

2 “A violation of any federal statute or federal regulation or any of the statutes or regulations
3 of this state regulating dangerous drugs or controlled substances constitutes unprofessional
4 conduct.”

5 7. Section 3531 of the Code states:

6 “A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
7 charge of a felony or of any offense which is substantially related to the qualifications, functions,
8 or duties of the business or profession to which the license was issued is deemed to be a
9 conviction within the meaning of this chapter. The board may order the license suspended or
10 revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment
11 of conviction has been affirmed on appeal or when an order granting probation is made
12 suspending the imposition of sentence, irrespective of a subsequent order under the provisions of
13 Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter
14 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information
15 or indictment.”

16 8. California Code of Regulations, title 16, section 1399.525, states:

17 “For the purposes of the denial, suspension or revocation of a license or approval pursuant
18 to division 1.5 (commencing with section 475) of the code, a crime or act shall be considered to
19 be substantially related to the qualifications, functions or duties of a person holding a license
20 under the Physician Assistant Practice Act if to a substantial degree it evidences present or
21 potential unfitness of a person holding such a license to perform the functions authorized by the
22 license or approval in a manner consistent with the public health, safety or welfare. Such crimes
23 or acts shall include, but are not limited to, the following:

24 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
25 violation of, or conspiring to violate any provision or term of the Medical Practice Act.

26 “. . . (e) Any crime or act involving the sale, gift, administration, or furnishing of narcotics
27 or dangerous drugs or dangerous devices, as defined in Section 4022 of the code.”

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Unlawful Prescribing)

10. Respondent is subject to disciplinary action under sections 3527 and/or 2234 and/or 2234(e) and/or 2238 in that Respondent engaged in a course of dishonest and unlawful distribution of controlled substances. The circumstances are as follows:

11. Beginning in April 2016, the federal Drug Enforcement Administration (DEA) began working with an individual designated in the affidavit as a confidential source [CS], who had been selling Oxycodone, Oxycontin and Carisoprodol pills that were prescribed by Respondent. Oxycodone and Oxycontin are Schedule II controlled substances and potent opioid medications which have a high potential for abuse, particularly when combined with the muscle relaxant Carisoprodol. CS obtained prescriptions for these drugs from Respondent without a physical examination or medical indication. Although very little in the way of medicine occurred at each visit CS had with Respondent, the Physician Assistant created false records of the visits that included a fabricated history and subjective complaints to justify the large quantities of narcotics and muscle relaxants prescribed.

12. On October 13, 2016, in a visit that was recorded using hidden audio and video recording equipment, CS was provided with an additional prescription, i.e., doubling the quantity of controlled substances prescribed, based on his representation to Respondent that he wanted to sell the additional drugs to a friend. In addition to prescribing the drugs for sale, Respondent discussed with CS how he could conceal the illicit prescription by using different pharmacies.

13. On December 12, 2016, CS returned for a visit with Respondent and presented him with \$2,000, which he described as Respondent's share of the profits from the sale of the

1 narcotics. CS again requested and received a prescription for double the quantity of controlled
2 substances from Respondent.

3 14. In addition to CS, the DEA investigators determined that Respondent prescribed
4 multiple controlled substances (including Methadone, Amphetamine, Fentanyl, Clonazepam and
5 Morphine, among others) to four other individuals without a medical indication and in violation
6 of the law.

7 SECOND CAUSE FOR DISCIPLINE

8 (Conviction of a Crime)

9 15. Respondent is subject to disciplinary action under sections 3527 and 3531 in that, on
10 July 24, 2018, Respondent was found guilty of 39 counts of felony distribution of controlled
11 substances in violation of 21 U.S.C. §841(a)(1), which is a crime substantially related to the
12 qualifications, duties and functions of a Physician Assistant.

13 PRAYER


14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Physician Assistant Board issue a decision:

16 1. Revoking or suspending Physician Assistant License Number 16903, issued to David
17 Augustine Lague, P.A.;

18 2. Ordering David Augustine Lague, P.A. to pay the Physician Assistant Board the
19 reasonable costs of the investigation and enforcement of this case and, further, to pay to the Board
20 the costs of any probationary conditions imposed on his Physician Assistant License; and

21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: August 30, 2018

24 
25 MAUREEN L. FORSYTH
26 Executive Officer
27 Physician Assistant Board
28 Department of Consumer Affairs
State of California
Complainant